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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,032	12/20/2001	Kaisa Kautto-Koivula	4208-4030	2939

7590 03/02/2007  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10151-0053

EXAMINER
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NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/028,032

**Applicant(s)**

KAUTTO-KOIVULA ET AL.

**Examiner**

Cao (Kevin) Nguyen

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-52 and 102-104 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 21,73 and 95 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 23, 53 and 100-101 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is not tangible. The preamble of independent claim 1 recites " A method for creating a node in a node map for a user interface in a computer device", which is directed to software, per se, lacking any hardware to enable any functionality to be realized. The claimed features and elements of independent claims 1, 23, 53 and 100-101 do not include hardware components or features that are necessarily implemented in hardware. Therefore, the claimed features of claims 1, 23, 53 and 100-101 are actually a software, or at best, directed to an arrangement of software, and software claimed by itself, without being executed or implemented on a computer medium, is intangible.

To expedite a complete examination of the instant application, the claims rejected under 35U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

### *Allowable Subject Matter*

Claims 23-52 and 102-104 are allowed over the prior art.

Claims 21, 73 and 95 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20, 22, 53-72, 74-94 and 96-101 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinberg et al. (US Patent No. 6,144,962).

Regarding claim 1, Weinberg discloses a method for creating a node in a node map for a user interface in a computing device, comprising receiving a user instruction for initiating creation of the new node via a user interface, the user interface including a node map wherein multiple child nodes are visually coupled to a parent node[...parent-child node relationships; see col. 2, lines 27-48]; receiving node information from the user [...the relative sizes of the node icons; see col. 2, lines 48-67; and figure 2]; generating a new node in the node map with the received node information; and displaying the new node in the node map [...all of the node site map are displayed having single or multiple incoming link; see col. 12, lines 28-64].

Regarding claim 2, Weinberg discloses further comprising creating an edge from the new node to a parent node, wherein said parent node is origination point for the new node (see col. 11, lines 9-25).

Regarding claim 3, Weinberg discloses adding information regarding the created edge to an edge list (see col. 12, lines 28-64).

Art Unit: 2173

Regarding claim 4, Weinberg discloses wherein the new node is named by a user (see col. 16, lines 21-52).

Regarding claim 5, Weinberg discloses determining existence of an information earlier node having node information identical to said new node, after said receiving node information (see col. 16, lines 53-67).

Regarding claims 6 and 7, Weinberg discloses wherein said node information discloses node type of said new node having node information (see col. 17, lines 20-67).

Regarding claims 8 and 9, Weinberg discloses wherein said node e indicates the presence of an attachment associated with new node (see col. 18, lines 1-32 and figures 4-5).

Regarding claim 10, Weinberg discloses receiving indication of an attachment type from the user (see col. 18, lines 20-34).

Regarding claims 11 and 12, Weinberg discloses, further comprising receiving content for attachment to said new node; and wherein said node type indicates presence of an action associated with new node (see col. 20, lines 7-30).

Regarding claims 13, Weinberg discloses, wherein said action is one of calling another human, printing, locating an object of interest, collaborating with others, text, chat and message (see col. 29, lines 1-38).

Regarding claims 14 and 15, Weinberg discloses wherein said node type indicates presence of an application associated with said new node (see col. 31, lines 25-63).

Regarding claims 16 and 17, Weinberg discloses wherein outlined entry is one of contact, recipe, time, location, and message (see col. 10, lines 10-45).

Regarding claims 18 and 19, Weinberg discloses wherein deleting is initiated when the user selects said new node and makes a selection to delete new node is displayed on user interface (see col. 11, lines 8-41).

As claims 20-22 are analyzed as previously discussed with respected to claims 1-13 above.

Regarding claims 54, Weinberg discloses comprising means for creating an edge from the new node to a parent node, wherein said parent node is origination point for the new node (see figures 13-15).

Regarding claims 55, Weinberg discloses further comprising means for adding information regarding the created edge to an edge list (see figures 21-23).

Regarding claims 56, Weinberg discloses wherein the new node is named by a user (see figures 4 and 9).

Regarding claims 57, Weinberg discloses, further comprising means for determining existence of an earlier node having node information identical to said new node, after said receiving node information (see figure 24 ).

Regarding claims 58, Weinberg discloses wherein said earlier node is identical to said new node (see col. 2, lines 10-26).

Regarding claims 59, Weinberg discloses, further comprising means for identifying said earlier node and said new node having identical node information (see col. 3, lines 8-43).

Regarding claims 60, Weinberg discloses, wherein said node information discloses node type of said new node (see col. 3, lines 41-64).

Regarding claims 61, Weinberg discloses, wherein said node type indicates the presence

of an attachment associated with said new node (see col. 6, lines 5-22).

As claims 62-72 and 74 are analyzed as previously discussed with respect to claims 5-18 above.

Regarding claim 75, Weinberg discloses a system for creating a node in a node map for a user interface in a computing device, comprising a. a memory; and a processing unit in communication with said memory, said processing unit configured for receiving a user instruction for initiating creation of the new node; receiving node information from the user; generating a new node with the received node information; and listing the new node in a node list (see col. 9, lines 9-55 and figures 1-3).

Regarding claims 76 and 77, Weinberg discloses wherein said processing unit is further configured for creating an edge from the new node to a parent node, wherein said parent node is origination point for the new node (see col. 10, lines 10-64).

Regarding claims 78 and 79, Weinberg discloses, wherein the new node is named by a user; and wherein said processing unit is further configured for determining existence of an earlier node having node information identical to said new node, after said receiving node information (figures 21-24).

As claims 80-86 are analyzed as previously discussed with respect to claims 56-61 above.

Regarding claims 87 and 88, Weinberg discloses, wherein said action is one of calling another human, printing, locating an object of interest, collaborating with others, text, chat and message (see col. 10, lines 10-45).

As claims 88-94 and 97-99 are analyzed as previously discussed with respect to claims 2-19 above.

Regarding claims 100 and 101, Weinberg discloses a method for creating a node in a node map for a user interface in a computing device, comprising receiving a user instruction for initiating creation of the new node as a child node of an existing node; receiving node information from the user regarding whether the new node pertains to an attachment, an action, an application or an outlined entry; generating a new node with the received node information; and listing the new node in a node list (see col. 11, lines 8-65).

### ***Response to Arguments***

Applicant's arguments filed on 1/03/07 have been fully considered but they are not persuasive.

On page 19 of the Remarks; Applicant's argues that Weinberg does not teach or suggest "receiving a user instruction for initiating creation of the new node via a user interface and receiving node information from the user". However, the examiner respectfully disagrees. As shown figures 1-5, Weinberg discloses the Web site analysis program implements a map generation method which greatly facilitates the visualization by the user of the overall architecture of the Web site, and allows the user to navigate the map in an intuitive manner to explore the content of the Web site. To generate the site map, a structural representation of the Web site specifying the actual arrangement of content objects and links is initially reduced, for purposes of generating the site map, to a hierarchical tree representation in which each content object of the Web site is represented as a node of the tree. A recursive layout method is then



applied which uses the parent-child node relationships, as such relationships exist within the tree, to spatially position the nodes represented as respective icons within the map on the display screen such that children nodes are positioned around and connected to their respective immediate parents. This layout method can also be used to display other types of hierarchical data structures, such as the tree structure of a conventional file system. The result is a map which comprises a hierarchical arrangement of parent-child node icon clusters in which parent-child relationships are immediately apparent. As part of the layout method, the relative sizes of the node icons are preferably adjusted such that nodes with relatively large numbers of outgoing links have a relatively large icon size, and thus stand out in the map. In addition, the node and link display sizes are automatically adjusted such that the entire map is displayed on the display screen, regardless of the size of the Web site, as recited in col. 2, lines 28-57.

On page 19 of the Remarks; Applicant's argues that Weinberg does not teach or suggest "generating a new node in the node map with the received node information; and displaying the new node in the node map". However, the examiner respectfully disagrees. As shown figures 1-5, Weinberg discloses the Astra GUI includes a tool bar and a filter bar, both of which can be selectively displayed as needed. The tool bar includes buttons for initiating commonly-performed operations. From left to right in FIG. 1, these functions are as follows: (a) start generation of new map, (b) open map file, (c) save map to disk, (d) print, (e) size map to fit within window, (f) zoom in, (g) zoom out, (h) display incoming links of selected node; (i) display outgoing links of selected node, (0) display map in Visual Web Display format, (k) initiate Automatic Update, (l) pause Automatic Update, (m) resume Automatic Update, (n) initiate Dynamic Scan, and (o) stop Dynamic Scan. The function performed by each button is

Art Unit: 2173

indicated textually when the mouse cursor is positioned over the respective button, as recited in col. 16, lines 6-57.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (PTO-892).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

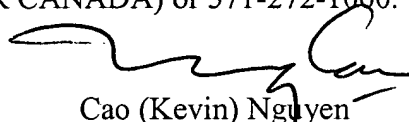
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

02/27/07